# THE COURTS.

The Sullivan-Mullaney Conviction and Sentence.

BANK STOCKHOLDERS

## Charge of Attempted Fraud on the Custom House.

A Number of Suits Against the City.

Frederick Otto Semonson was charged yesterday before Commissioner Shields with passing a coun-terfeit two doilar bill upon one of the semale attend-ants at the Pacific Garden, in the Bowery. He was at once discharged, as it turned out that the bill was good. A policeman had on the girl's complaint locked up the defendant in jail from Sunday

in the case of Sullivan, tried festerday in the Court of Oyer and Terminer, fir shooting James Mullaney in a saloon in Pearl street in November, 1873, the jury tound the prisoner guilty of man-slaughter in the fourth degree. Sentenced to eighteen months, with hard labor.

#### THE MULLANEY SHOOTING CASE.

A case presenting some features of unusual, not to say extraordinary interest, was tried yesterday on the bench. John Sullivan and James Mullaney were members of the same target company. On the evening of November 22, 1873, the company held a meeting in the liquor saloon of Thomas having a pleasantly social time in drinking, taik-ing and singing. Suddenly the report of a pistol was heard, the shot taking effect in the foot of Mullaney. At the time Sullivan and Mullaney were sitting opposite one another. The two had always been friends. Mullaney seemed to take it as a joke and, luting his other foot, asked Sulitvan to try it again. It was explained as an acceidental shot, the pistol having exploded in the coat

to try it again. It was explained as an accidental shot, the pistol baving exploded in the coat pocket of Sullivan. No serious result was anticipated at the time. The ball was found embedded in the bone of the instep. It was extracted, but day by day the patient grew worse. Finally, on the 24th of December following, after a consultation at Bellevue Hospital, it was decided to amputate the loot. The patient having been put under the influence of ether, this was done, and the patient died from the effects. The primary cause of death was shock produced by amputation. Sullivan at once surrendered himself, and the case was laid before the Grand Jury, who found an indictment against him for mansiaughter in the first degree. The case came to trial yesterday in this court, Assistant District Attorney Lyon conducting the prosecution and Mr. William F. Kintzing defending the prisoner.

The first witness cailed was Mr. McMahon, who testified that on the night of the 22d of November, 1873, a target company neld a meeting at his piace, and among those present were the prisoner and the decessed. Drinks had been served to the party, and they were whiling away the time between singing and talking. Suddenly be beard the report of a pistol, and upon going to the group and inquiring if any one was nit, deceased said, "I am," at the same time showing ms right foot, with a piece of the shoe snot away; deceased and the accused were sitting directly opposite each other, and about two leet apart; looking at the prisoner, aiter the snot was fired, the deceased held up the other loot and said, "Try it again;" he then waiked up to the bar and called for more drink, which witness refused to give; there was no dispute between the parties; the prisoner remarked that the shooting was accidental, and he saw the deceased to a drug store; the bail took effect in the loot of the deceased; witness did not see any pistol; the parties were in the habit of bandying wit with each other; the two men were great iriends, just like brothers.

On cross-e

e to. edical testimony was next given, showing The medical testimony was next given, showing the cause of death, as stated above after which John Mulianey, brother of the deceased man, gave his testimony. He testified that the prisoner remarked to the deceased, "I'd bet you \$2 that I can make you wisk lame;" deceased retorted something, when the prisoner further said, "You something, when the prisoner further said, "You something, and the shot was fired; after the firing the prisoner remarked, "If you tell me to blaze away, I'll blaze away?" and stood up: twice before the prisoner tried to beat deceased, and once kieked him in the eye; he also made the remark that he liked every person in the room except deceased and withess; withess had never had any trouble with him; the prisoner had his hands in his pocket.

his pockets at the time of the through his pocket.

John Haggerty was present at the time of the occurrence; the deceased was singing a song; the prisoner moved his chair over toward him, and said, "If you don't shut up I'll make you wall lame;" deceased said "blaze away," whereupon

ne was shot.

To Counsel—I heard no angry words; knew both men; when it got late the singing became objectionable to Sulivan; the prisoner did not call deceased any improper names.

Several other witnesses testified to the same

ceased any improper names.

Several other witnesses testaded to the same effect, substantially.

SULLIVAN'S STATEMENT.

The accused was then placed on the stand. He said he worked in the Fulton fish market; on the night of the occurrence he was in the saloon with the deceased; Mullaney was singing, and he told him to stop; he did not, and witness started toward him, when his coat caught on a chair, and a pissol which he had in his pocket was discharged; deceased said he was shot in the foot, and put his hand around the neck of the witness, who carried him over to a drug store, and told him he did it; he went to Texas after, but learning there was an indictment against him he returned to New York and surrendered himself to the District Attorney. The Attorney.

The above concluded the testimony, after which

counsel aummed up. The Court then charged the jury, who retired for deliberation. They were absent nearly an hour, when they brought in a verdict of guiry of manslaughter in the fourth degree, with a strong recommendation to mercy. Mr. Kintzing made a strong appeal for the prisoner. Judge Barrett sentenced Sullivan to eignteen months' hard labor in the State Prison.

#### LIABILITY OF BANK STOCK-HOLDERS.

In the United States District Court yesterday the case of Albon P. Man, receiver of the Eighta National Bank in this city, vs. Leander S. Risley, came on for trial. On the 13th of December, 1871, the bank failed, when the Comptroller of the Cur-rency appointed Mr. Man as receiver of the bank. The assets of the oang were insufficient to pay its debts, and to secure the payment of these debts it was necessary to make several stockholders of the bank personally liable. Defendant held ten shares of the bank stock at the par value of \$100 each of the comptroller assessed him at \$54 on each of these ten shares. He refused to pay this assessment. The decace set up the following assessment. The deence set up the following reasons for not paying the assessment:—That the assessment was made without any notice of the reasons for not paying the assessment:—That the assessment was made without any house of the same having been given to the defendant; that the receiver of the bank was appointed without end to be a solution of the bank having been called upon to show cause why he should not be appointed, and that all of the Comptroller's acts were without jurisdiction in the premises. Judge Blatchford overried these points, and directed the jury to find a versict for the plaintiff, and they found accordingly a verdict for \$505.50, being the amount of the assessment and interest on the same. Exceptions were taken to the Judge's rulings, and the case will go to the Supreme-Court of the United States.

In the case of the same plaintiff, as receiver, Ac. vs. John Pu. ke, the latter held fifty shares of stock in the same bank. The suit involved the same questions as in the preceding tr.a., and by cousent of the plaintiff for \$2,802.37, amount of assessment and interest.

In the case of Man vs. Thomas McCleiland the same question was his twolved. The defendant owned 140 shares of cank stock. By consent a verdict was taken for the plaintiff for \$1,851.95, including assessment and interest.

# ALLEGED SMUGGLING OF GLOVES.

Yesterday, in the United States District Court. the case of the United States vs. three trunks, containing gloves, worth about \$4,000, was called These goods are claimed by Sampson Lewey, who, it is alleged, smuggled them into the The action has been brought by the govern. city. The action has been brought by the govern-ment to confiscate the goods on the ground that they have been smuggled, as stated. Counsel for claimant made a motion to postpone the trial till next term on the ground of the illness of the claimant and the absence of material wit-nesses, without whose attendance he would not be ready to go to trial. Counsel for government

opposed the motion and instated that the trial must go on. All the government witnesses were in court, and if the case were now adjourned thi next term he might not then be able to proceed. Perhaps he might not be able to find all the witnessea. His impression was that the statement as to the claimant's liftness was a mere excuse put torward for the purpose of delay. Counsel for the purpose of delay counsel for the purpose of delay. Counsel for the purpose of delay counsel for the purpose of delay. Counsel for the purpose of delay counsel for the purpose of delay. Counsel for the purpose of delay counsel for the purpose of delay counsel for the purpose and the claim and was too sick to attend in court. Judge Blatchford observed that it was the easiest taing in the world to obtain a medical certificate. He would prefer to see the physician in court and have him examined as a witness on the stand. Dr. Langman then came to the stand, and deposed that the claimant would not be well enough to leave it before the expiration of two or three weeks. It is understood that the case will be tried to day, as a commission has been issued to take the testimony of the claiman. The claimant proposes to set up as one of his defences that he do not intend to defraud the government, and that the goods cannot be condemned unless it is shown, under section 10 of the act of June 22, 1874, that such intention existed in the mind of the claimant.

#### SHITS AGAINST THE CITY.

John B. Wood brought suit some time ago against the city for \$1.333 33, rent of No. 619 Sixth avenue, for May and June, 1871, the same being occupied as an armory. The defence was that the Board of Supervisors had no authority to rent the premises. A demurrer was made to this answer, and there was a lengthy argument on the same yesterday before Judge Van Brant, holding Supresterday before Judge Van Brant, holding Supreme Court, Special Term. The demurrer was based on the ground that the Board of Supervisors, under the act of 1862, had no authority to hire premises for use as an armory in the absence of a demand by the Colonel of the regiment; that while the act of 1863 left it discretionary with the Board of Supervisors to hire such premises, the act of 1871 made it incumbent on the city to pay rent in all cases where premises were actually used as an armory. Judge Van Brunt took the papers, reserving his decision.

In August, 1868, Raphael Lewenthal kept a store in the basement of No. 488 Eighth avenue. Through some imperiection in the swert the place was overnowed, and he claimed that his goods were damaged to the amount of \$2,032 25. He brought suit against the city for this sum, and the case came to trial before Judge Van Vorst, holding Supreme Court Circuit, Part 3. The result of the trial, which terminated yesterday, was a verdict for \$1,236 for the plaintiff.

#### BUSINESS IN THE OTHER COURTS.

UNITED STATES DISTRICT COURT. The York Street Flax Spinning Company of Belfast.

Beiore Judge Blatchford. The case of the United States vs. The York Street Flax Spinning Company, of Beifast, Ireland, as represented through its New York agency, was called up yesterday in the United States District Court, before Judge Blatchford. The particulars of this suit, so far as they have been developed in Court, have already aphave been developed in Court, have already appeared in the Herald. The action is brought to recover between \$70,000 and \$80,000 for alleged undervaluation in the importation of linen goods, Mr. William M. Evarts, counsel for the defendant, made a motion to put the case off for the term, for the purpose of sending a commission to Bellast to take testimony there before the American Vice Consul of certain witnesses whose evidence is deemed of importance to the defence. Counsel for the government opposed the motion, claiming that the question of undervaluation could be determined by the testimony already available in the case. Judge Blatchiord granted the motion and the case was ordered to be set down for trial in the ensuing February term.

#### SUPREME COURT-CIRCUIT-PART 2. A Long Litigation-Interesting Insurauce Suit. Before Judge Brady.

After the close of the war of the rebellion General Este and Colonel Brink, who, during the progress of the little unpleasantness had been engaged on General Kilpatrick's staff, settled down to peaceful pursuits in Lexington, N. C. They formed a partnership and opened a country store. Through an agent they effected on their stock an insurance for \$15,000, this amount being divided among four companies in this city, including the Niagara Fire insurance Company. Sure enough they were the victims of the fire field. A special agent who examined into the case offered on the part of the four insurance companies, they being embraced in a single poincy, \$6,600 and the insured to retain possession of the remnant of damaged stock or \$10,000 and the insurance companies to take the goods. These offers were relused and thereupon a second agent appeared on the scene and he reported in favor of paying nothing. A suit was accordingly commenced against the Niagara Company as a test case. This suit has been pending in the courts for several years. A referee had it under investigation for four years, when a motion was made to take it out of the hands of the referee. This motion was overruled, an appeal was taken and it went to the General Ferm. Finally it has reached a trial, which began yesterday in this Court. It will probably occupy two or three days.

## SUPREME COURT-CHAMBERS. Important Injunction Decision.

Before Judge Lawrence clothiers, corner Broadway and Warren Broadway and Grand streets, to restrain J. S. Dev.in, doing business corner of Broadway and Twelfth street, from trading under the firm name of Deviln & Co., a decision was rendered yester-day. Judge Lawrence holds that while he cannot clear in the present case that the party com-planted of has been guitty of a misdemeanor in using the words "& Co.," he having no partner. This he considers an attempt to mislead the pub-lic and trade on the name and reputation of Dev-lin & Co. He therefore enjoins him from using those words in any way in his business, pendent lite. restrain a man from using his own name it is

Decisions. In the matter of Jane Newman .- Memorandum for counsel.

Garrison vs. Greene.—Motion for a mandamus is denied, without costs.

Onse vs. Lora.—Granted.

More vs. Herman.—The modification of the order heretofore entered proposed by defendant is de-

Campbell vs. Campbell.—Motion denied without costs, and with leave to renew for the reasons stated in memorandum.

Fitzsimmons vs. Mavy et al.—Motion denied; memorandum.

memorandum.

In the matter of Ira M. Chapp.—In this matter the order asked for was granted on the 28th day of last October and filed with the Clerk, and could nave been obtained by applying to him at any time atter such date.

Devin vs. Deviln.—Motion for injunction is granted to the extent stated in opinion.

McDonneil vs. The Mayor, &c.—Granted.

Reed vs. Reed.—Memorandum for counsel.

By Judge Barrett.

Greenwich Savings Bank vs. Murray et al.—Onipion.

Obinion.
Taylor et al. vs. Purcell et al.—Motion to pun-ish for contempt is denied, with me posts.

By Judge Dononue.

Barnard vs. Lore.—Phidings settled.
In the matter of William Rowland.—Memoran-

dum.

Moran vs. Watkins.—Judgment granted.

Mauer vs. Cedar Point Iron Company.—Motion

ranted.
Schenck vs. Fike.—Motion denied.
Cook vs. Weber.—Order granted.
Goodman vs. Stricker.—Discharge granted.
Coleman vs. Griswold.—Receiver appointed.
Bright vs. The Milwaukee Aid.—Motion denied.
Howland vs. Taylor.—Reference order.
The Porous Planter Company vs. Seabur.—Memrandum. orandum.

Heringehausen vs. Heringehausen.—Decree of divorce granted to plaintiff.

SUPREME COURT-SPECIAL TERM.

Decisions. By Judge Van Brunt. Doherty vs. Hannser.—Judgment for plaintiff, with costs.

Wilard vs. Conner.—Motion granted, on payment of \$10 costs.

Dearing vs. Hopkins.—Judgment for plaintiff, Williard vs. Conner.—motion granted, or payment of \$10 costs.

Dearing vs. Hopkins.—Judgment for plaintiff, rith costs.

Bowers vs. Elias.—See opinion.

Austin vs. Schuyter.—See opinion.

Billings vs. Blank.—See opinion.

Kinney vs. Wood et al.—Case settled.

SUPERIOR COURT-SPECIAL TERM. Decisions.

By Judge Curtis. Gillespie vs. Gillespie.-Memorandum for coun-

SUPERIOR COURT-CIRCUIT.

Charge of Malicious Prosecution.

Before Judge Curtis.

Adolph L. King, a cotton merchant, caused the arrest not long ago of Aaron S. Wilson, the charge being that he had spirited away two bales of cotton while employed as driver of a cart in its re-moval. On this charge Wilson was arrested, taken before a police magistrate and held to await the action of the Grand Jury, which tailed to find a buil of indictment. Feeling injured in his reputation Wilson sued King for \$5,000 damages for al-

leged malicious arrest and prosecution. The case was tried yesterday and its concusion was a dis-minant of the complaint, it being held that there was probable cause for the charge against Wilson

COMMON PLEAS-SPECIAL TERM.

Decisions.

By Judge Larremore.

Mary Polaski vs. Chris. Fiecke.—Ballable writ

llowed.
Balley vs. Brinkerhoff.—Motion granted.
Mansfield vs. Strail.—Motion denied.
Quinn vs. Semiein.—Motion granted.
Selby vs. Selby.—Application denied; it must be
lade on motion. nade on motion. Van Slyck vs. Beecher.—Motion denied; a de-nand must first be made under section 158 of the

Code.

Knask vs. Delemater. The affidavit is defective. and motion must be denied.

Richardson vs. McNiell.—Petition must be by the receiver and not by the attorney.

Stone vs. Stone.—Divorce granted.

Agate vs. Lowenbein.—Motion denied, without prejudice to a renewal thereof on the trial.

In the matter of Brigman.—Report confirmed, but application for an allowance denied.

Buckman vs. Clarke.—Motion granted on payment of costs.

ment of costs.

Havens vs. Klein.—Injunction granted.

COMMON PLEAS-COUITY TERM

By Judge Larremore.

Phillips vs. Davies.—Judgment for the plainting or specific performance of the contract, &c. See lectision with Clerk of Equity.

Gorman vs. McCove.—Judgment for defendant.

## MARINE COURT-CHAMBERS.

DecisionsBy Judge McAdam.
Biering vs. Smith.—Motion granted.
Strause vs. Munninger.—Motion granted without costs on stipulating not to sue.
Preund vs. Sour.—The witness must proceed with nis examination; plaintin's proceedings are regular. Worn vs. Duriacher.—Motion denied, with \$10

Bitterman, Jr., vs. Kasmire.—Motion granted; opinion fied. opinion fied.

Fergusou vs. The Mayor, &c.—Motion to open default granted on terms.

Tappen vs. Sherwood.—Motion granted conditionally; order filed.

Franck vs. Schenck.—Motion denied; opinion and order filed.

By Judge Alker.
Muller vs. Hemken.—Case settled Muller vs. Hemken.—Case settled.
Chamberlayne vs. Holmes.—Motion to reduce bail denied; \$10 costs to plaintiff, to abide event

of suit.

Kearny vs. Davis.—Memorandum for counsel.

Johnson vs. Morris; Offerman vs. Grand; Scheider vs. Manus; Hernstein vs. Conen.—Motions granted.
Philips vs. Crooks; DuBigner vs. Robinson
Philips vs. Russo.—Defendants' default noted. Agostine vs. Russo.—Defendants' default noted. Meinck vs. Mendel.—Motion granted. Mintzor vs. Zabinski.—Judgment on frivolous

Mintzor vs. Assinski Juagment on rivolous demurrer.
Dodge vs. Glora.—Receiver appointed.
Goltena vs. Henry.—Motion to open default granted on terms.
Kahn vs. Mayor.—Motion to open default granted, with \$10 coats to plaintiff, to abide event of suit.

#### MARINE COURT-PART L Lyceum Theatre Cases.

Before Judge Spaulding. In the case of Henry Dalton, an actor, who dayed in "Notre Dame" at the Lyceum Theatre when it first opened in August, 1873, against George Hoffman, Thomas Thacher, O'Curtis Hoffman and William L. Mansell, who were alleged to be the proprietors of such theatre, which was and which was tried in March, 1874, before Judge Spaulding and a jury and resulted in the plaintiff's case being dismissed on the ground that a former recovery by the plaintiff in the Second District Court of one week's satary was a bar, a motion has been since made by counsel for Mr. Dalton for a new trial on a case and exceptions, and a few days ago Judge Spaulding rendered a decision setting aside the nonsuit and granting Mr. Dalton a new trial. The defendants have taken an appeal from Judge Spaulding's decision.

#### MARINE COURT-PART 2 Suit Against an Insurance Company for Alleged Services. Before Judge McAdam.

Josiah Rich vs. The United States Life Insurance Company.—The pistntiff in this case was formerly a member of the Board of Trustees of the corporation defendants, holding the office for about three ance in it. He was some time ago elected out of office, but still claims to have a deep interest in the welfare of the com-pany. The corporation had from its formstion as its principal agent one J. B. Gates. The contract had with this party was considered a tion ardently desired its cancellation, and after weighing all the consequences it summarily discharged Gates. The latter threatened legal warfare to the bitter end unless the corporation paid him over \$100,000, which he claimed as compensation for the loss of his commissions. The plaintift in tais action, a personal iriend of Gates, undertook to negotiate a settlement of the difficulty. This he eventually succeeded in doing, the company paying Gates \$50,000, and the latter compensation Rich, the present plaintiff, by paying him \$1,250 for his services as mediator and agent in the matter. Rich now claims that he compensating Rich, the present plaintif, by paying him \$1,250 for his services as mediator and agent in the matter. Rich now claims that he also acted as the agent of the defendants; that his agency was accepted by them, and that they are indebted to him in the sum of \$1,000, which the action is brought to recover. The defendants deny that he acted as their agent, and that, in fact, the only recognition they extended to him in the matter was when, as special agent for Gates, he brought them a written agreement from Gates that he would accept \$50,000 as a relinquishment of all claim upon them on his contract, they, by the tenor of the same agreement, cancelling all claims they had against him, and which, had the case gone into the courts, they would have offset against his claim. The only witness in support of the present claim was the plaintiff himself, while the President and several officers of the company positively swore that there was no understanding, expressed or implied, that they accepted the services of the plaintiff in the Depotation as an agent; but, on the contrary, that he was recognized by them as the friend of Gates and infinitely to the mylogine of the contrary, that he was recognized by them as the friend of Gates and infinitely to the employment of agents, and the circumstances under winch an agent could act for both parties in a hitigation. It must be shown that both parties accepted the agency before an agent can recover from both. It was for the jury to say whether the biantiff, as agent in this case, could serve two masters with that a delity which the law exacts.

After a comewhat protracted deliberation the jury found of the corporation defendants.

# COURT OF GENERAL SESSIONS.

Keepers of an Aileged Improper House on Trial. Before Judge Sutherland.

Yesterday Charles and Mary Pisher were placed on trial upon an indictment charging them with "compelling a woman to be defiled." The prose-cuting witness, Aoua Haintze, was examined at length, but as she spoke the Swiss dialect it was length, but as she spoke the Swiss dialect it was almost impossible for two interpreters to elicit a clear statement of the alleged offence, it appeared, however, that the defendants kept an improper bouse in Twenty-fourth street, and that the witness and her sister were hired to do bousework, but while there were threatened with violence unless they yielded to the solicitations of men. Mr. Howe, who defended the prisoners, interposed a number of objections to the questions put by Assistant District Attorney Nolan.

The case will be resumed this morning.

The Election Murder-Rumored Indictmont of Coroner Croker and Others. The Grand Jury brought a large number of indicame, its into court in the afternoon. It was indictine, its into court in the atternoon. It was rumored that among them was an indictment against Coron or Croker, for the killing of James McKenna on election day, and also indictments against other parties for feionious assault and hattery, growing atto of the same transaction. It is probable that beneal warrants were issued yeared at or will be to district the arrest of the persons implicated in the ho, micide.

Libel on a Epliceman. Daniel Norton, allas Ro Ward L. Martin, pleaded guilty to an indictment charging him with libelseems that Norton charged the policeman alla seems that Norton charged the policeman was attaining certain jewelry from Thee's store, in Brooklyn, and that he was also implicated in the their of a diamond cross from a store in Hadaou street. It was stared that the complainant district in the shown the accused. Had Honor sentenced Norton to the City Prison for two-

Larcenies and Burglaries. Thomas Murphy pleaded guity to burglary in the third degree, the allegation being that on the oth of November he broke into the cigar store of David Billon, No. 101½ Division street, and stole a box of cigars. The prisoner was sentenced to the State Prison for two years and six montas.

Peter Martin, who was charged with barglariously entering the clothing store of Louis Buckman, No. 71 Columbia street, on the 28th of October, pleaded guilty to an attempt at burgary in the third degree. The sentence imposed was eighteen months in the State Prison.

Thomas Kerrigan, indicted for stealing a silver watch worth \$26, on the 2d or November, from oth of November he broke into the cigar store of

John Maurice, pleaded guilty to an attempt at petit larceny from the person. He was remanded for sentence.

for sentence.

George Ray, who, on the 28th of October, stole
\$24 in money belonging to E. B. Singleton, pleaded
guitty to petit larceny.

Conrad Kiein pleaded guitty to a similar charge,
the indictment charging that on the 2d inst. he
stole a pockstbook from Ernst nodenwaber containing \$20.

These prisoners were each sent to the Penitentiary for six months.

TOMBS POLICE COURT.

Didn't Know Where He Was. Before Judge Kasmire.

Sunday night Enoch Montell found himself standing on a corner, what corner ne does not exactly know. He also found a man named Peter Paterson standing near him. Later he found Peter's hand in his vest pocket, and Subsequently, when looking, failed to find \$95, which he had belore he found himself standing on the corner. Then he could not find Paterson, but Officer Gilligan assisted him, and was successful. Monteli can be found in the House of Detention and Paterson in the Tombs.

Disorderly Houses.

William Synder, of No. 456 Pearl street; John
Curtis, of No. 53 Chatham street; Edward Byrnes, of No. 238 William street; Henry Scharico, of No. 97 Chatham street, and August Blacht, of No. 81 or Chatham street, and August Blacht, of Mo. 81
Chatham street, were all arrested by Captain
Williams, on Sunday night, for keeping disorderly
houses. Yesterday, when brought to the Tombs,
Judge Kasmire ordered them each to find \$1,000
good real estate security. Snyder was the only
man who could find a bondsman, and consequently
the only one at large now. All elected to be tried
by a jury at the Court of General Sessions.

# JEFFERSON MARKET POLICE COURT.

Billiard Ball Burglars.

Before Indge Planmer.
On Wednesday last Mr. Raymond A. Hignam's billiard saloon, No. 699 Sixth avenue, was broken at about \$100, was carried away. Since that time the officers of the Twenty-ninta precinct have been on the lookout for the burglars. Officer Rogers on Sunday last arrested two young men named Daniel Bagiey and Francis Keegan on suspicion. In possession of Bagiey was found a pocketbook which was identified by Mr. Higham as portion of the property stolen from his place. Keegan was in company with Bagiey at the time of the arrest. He is supplied to be connected with a burglary committed on the premises No. 117 Chambers street about three weeks since, when some \$1,000 worth of cutlery was carried off, lugge Flaimmer remanded both prisoners to allow the officer time to work up the case.

Highway Robbery. About twelve o'clock Sunday night, when Mrs. Cornelia Masterly, who had been visiting about a block or two from her home, No. 396 Seventh avenue, was proceeding thither she was met in the street by a man who pretended to be drunk the street by a man who pretended to be drunk and staggered up against ber. Mrs. Masterly tried to get out of his way, but the man whom she supposed to be drunk shoudenly snatched her watch and chain and ran away. Mrs. Masterly's cries for help attracted the attention of Officer Conneil, of the Twentieth precinct, who arrested the thief. The prisoner was arranged before Judge Planmer yesterday, where he gave his name as John Flanigan. He was committed in \$2,000 bail to

Robbed on Shipboard. John McGuire, sailor on board the steamship italy, was arraigned, charged with robbing Peter Tudeli alleged that he was enticed on board the steamer Saturday night last, and that McGuire and several of his companions knocked him down and robbed him. McGuire was committed in \$1,000

PIFTY-SEVENTH STREET POLICE COURT. Pocket Picking.

Before Judge Murray.

Margaret Stampa, of No. 26% Hamilton street, made a charge of pocket picking against a young man named Joseph Irving. On Sunday, while riding on a Third avenue car, the accused, it was alleged, made an attempt to rob her of her pocketbook, containing \$6, and was caught in the act. He was held for trial.

Cut With a Cleaver.

Robert Balley and John Green, of Piftieth street and Broadway, fought about money on Sunday, and Balley struck Green on the head with a cleaver and broke a navy pistol over the same part. Balley was arrested and on Green's com-plaint was held for trial. Station House Lodgers.

Another batch of station house lodgers, num bering thirty-four, was brought from the Twenty-second precinct station house. Some of them were discharged and the remander were sent to the Worknouse for the winter. Stole a Watch from His Father.

On the 12th of June last Edward McGlennan, of No. 269 avenue C, was roobed of a gold watch valued at \$30 by his son Michael, who pawned it and reat 300 by his son michael, who pawned it and re-turned the ticket to his father in an envelope. Judge Sherwood, at this Court, issued a warrant at the time for his arrest, but it was not til yes-terday that he returned to this city and was ar-rested. Judge Murray committed him for trial in default of \$1,000 ball.

Alleged Indecent Assault. Prances Schmidt preterred a charge of indecent assault against her employer, Herman Kirche-berger, of No. 313 Bast Forty-second street. He denied the truth of the charge, but appearances were against him and he was held for trial in \$500 ball.

# COURT CALENDARS-THIS DAY.

SUPREME COURT—CIRCUIT.—Part 1—Adjourned for term.—Part 2—Heid by Judge Brady.—Nos. 160, 1388, 1704, 3658, 3610, 835, 2558, 2630, 28, 2622, 2652, 210½, 2758, 2152, 1090, 564½, 2352, 638, 2482.—Part 3—Heid by Judge Van Vorst.—Nos. 1285, 1563, 1911, 3633, 1181½, 1593, 4105, 1943, 483, 1821, 1831, 18055, 1921, 1499, 3603, 495, 4103, 676½, 4065, 1679, 1782, 3659, 887, 4061, 4277.
SUPREME COURT—SPECIAL TERM—Held by Judge Van Brupt.—Demurrers—Nos. 34, 21. Issues of

2005, 1921, 1494, 3003, 493, 4103, 570%, 4065, 1679, 3782, 3659, 887, 4061, 4277.

SUPREME COURT—SPECIAL TERM—Held by Judge Van Brudt.—Demuirers—Nos. 34, 21. Issues of faw and fact—Nos. 235, 245, 247, 1, 2, 171, 249, 365, 358, 859, 263, 280, 290, 301, 314, 320, 325, 323, 330, 333, 334, 330, 345, 348, 350, 354, 350, 354, 350, 354, 350, 354, 361, 364, 370, 371, 372, 375, 376, 6, 20, 39, 48, 51, 57, 79, 80, 150.

SUPERIOR COURT—Part 2—Held by Judge Ourtis.—Nos. 1122, 750, 972, 788, 796, 1489, 38, 502, 718, 556, 660, 1225, 724, 736, 672.

COMMON PLEAS—IRIAL TERM—Part 1—Held by Judge Robinson.—Nos. 2127, 2069, 1028, 494%, 1194, 915, 182, 223, 1241, 1817, 1816, 2228, 119, 242.

MARINE COURT—TRIAL TERM—Part 1—Held by Judge Spaulding.—Nos. 412, 92, 151, 584, 460, 1,096, 1,782, 2,720, 1,766, 622, 623, 226, 627, 628, 630, 632, Part 2—Held by Judge McAdam.—Nos. 533, 373, 3.2, 1,039, 1,217, 1,564, 612, 616, 616, 617, 618, 619, 620, 621, 623, 626, 627, 628, 630, 632, Part 2—Held by Judge Snea.—Nos. 679, 1,861, 816, 1,625, 1,668, 1,411, 1,656, 1,733, 1,724, 499, 303, 86, 1,291, 1,091, 1,333.

COUBT OF GENERAL SESSIONS—Held by Judge Sutherland.—The People vs. Mary Pfisher and Charles Fisher, abduction. continued; Same vs. Martin Godirey, mayhen; Same vs. Walter Hayne, rape: Same vs. Abraham Jones, felonious assault and battery; Same vs. Nora Burrel, felonious assault and battery; Same vs. Charles Peschel, grand larceny; Same vs. John Donodue, burglary; Same vs. John Brown, grand larceny; Same vs. Charles Peschel, grand larceny; Same vs. John Donodue, grand larceny; Same vs. Walter Hayne, rand larceny; Same vs. John Donodue, grand larceny; Same vs. Martines, bribery Same vs. John Donodue, grand larceny; Same vs. Walter Hayne, rand larceny; Same vs. John Bonodue, grand larceny; Same vs. Dennis Donodue, grand larceny; Same vs. William Tecke, concealed weapons.

Oyen And Terminser—Held by Judge Barrett.—The People vs. Thomas Tasino, mansiaughter; Same vs. John Holonogle, mansiaughter.

BROOKLYN COURTS.

Suit Against a Life Insurance Company. Before Judge Barnard. Yesterday suit was instituted in the Supreme

Court before Judge Barnard by Mrs. Franziska Steiners, a German lady, who held an endowment policy in the Knickerbocker Life insurance Com-pany of New York. She alleges that through her husband she purchased the policy, with the understanding that in consideration of certain payments she was to receive the sum of \$1,000 at the end of five years after purchase. At the expiration of five years she claimed the money, but the company declined to pay, and hence the suit. The case is not concluded.

# SUPREME COURT-CHAMBERS.

Motion to Admit Mrs. Merrigan, the Alleged Murderess of Maggie Hammill, to Bail-Is She Sane or Insane! Before Judge Tappen. shortly after the opening of the Court yesterday,

Shortly after the opening of the Court yesterday, General Tracy and Patrick Ready, counsel for Mrs. Merrigan, appeared before Judge Tappen for the purpose of making a motion to have the prisoner admitted to ball. General Tracy made the motion and said that, from all counsel could learn, the the y before whom Mrs. Merrigan was tried a lew we ke ago stood six for acquittal and six for mur-dera'n the second degree when they first went out; that wo of them afterwards changed to murder that wo of them alterwards changed to murder in the second degree, but at no time did they think of murder in the first degree, the offence that the prisoner could never be felt sure and as she has been in jail over convicted, a year aired the the prisoner could never the and as she has been in jail over the prisoner could never be and as she has been in jail over the prisoner could never the prisoner could never the prisoner could not be all the prisoner could not said, and if in all ball were demanded she could not

get it. He cited the case of Fanny Hyda, who was charged with the shooting of her alleged seducer, George W. Watson. In this case the jury disagreed also; but the delendant was admitted to ball in the sum of \$2,800.

District Attorney Winslow replied in opposition to the motion, and said that he did not thir was a proper case for ball at all. He claimed that the prisoner was an epileptic, and, therefore, ansale to be at large. He suggested that a commission be appointed to ascertain whether she is as no or so.

sion be appointed to ascertain whether she is same or not.

General Tracy said that when the proper the came he would answer that questos. If the bartic Attorney resolves to put the prisoner on trial at the next term of the Court he coace the bail would be higher, but inasmuch as the bait would be higher, but inasmuch as bistrict Attorney would not say that he would her again the bail ought to be put at a low gure. Mr. Keady handed up a brief. The District Attorney had none. Judge Tappen said he would look at the papers and decide the question at early day. Mrs. Merrigan is in poor health, having her in jail fitteen months already. She was Lot in court yesterday.

#### COURT OF APPEALS.

ALBANY, N. Y., Nov. 16, 1874. In the Court of Appeals, Monday, Nov. 14 1874:-

1874:—
No. 64. Henry B. Schenck, survivor, &c., respondent, vs. Joan Andrews, appellant.—Argued by F. J. Fithian, of counsel for appellant, and by Samnel Hand, for respondent.
No. 25. John Wardrop, appellant, vs. Jessie Dunlop, executrix, &c., respondent.—Argued by Lyman Tremain, of counsel for appellant, and by A. J. Farker for respondent.
No. 65. Joseph Henderson, respondent, vs. Paul N. Spofford, et al., appellants.—Argued by Erastus Cook, of counsel for appellants, and submitted for respondents.
No. 66. Claroline S. Churchill et al, respondents, vs. Horatio G. Onderdonk, appellant.—Argued by E. Cowen, of counsel for appellants, and submitted for respondents. Case still on.
Proclamation was made, and the Gourt adjourn o Tuesday, 17th inst., at ten o'clock, A. M.
The day calendar for fo-morrow (17th inst.) will be:—Nos. 73, 10, 5, 34, 76, 78, 51, 82.

#### UNITED STATES SUPREME COURT.

WASHINGTON, NOV. 16, 1874.

The Supreme Court to-day rendered the following decisions:

No. 401. Woodson et al. vs. Murdock et al.—Appearance of the state to enforce an illeged lien on the property of the Pacific Rational Company, arising from certain advances made by the State to add in the company of the State to the State and the corporation, the latter having paid into the State Treasury an amount required by the State and the corporation, the latter having paid into the State Treasury an amount required by the state. The decree before was in favor of the company, awarding an injunction to restrain further proceedings, and, it is here affirmed, the State Industry and the Industry and at common law, is inconsistent in the Industry and Industry a

construction of the contract, Mr. Justice Strong delivered the opinion.

No. 42 The United States vs. Boeckler—Error to the Circuit Court for Maryland.—This was a suit upon a distiller's bond, which fixed the distillery of the principal on the corner of Hudson street and East avenue, in the town of Canton, Baitimore county. It was proved on the trial that the taxes were due on a distillery located on the corner of Hudson and Third streets in the same town and county. The Court instructed the jury that if the principal carried on no business as a distiller at the corner of Hudson street and Egst avenue they would find for the defendant and his sureties, and the result was a verdict for the decendants. The judgment entered on that verdict is here affirmed, the Court holding that in such a case it is not sufficient that the surety may sustain no injury by a change in the contract; he has a right to stand upon its very terms, and if he does not assent to any variation of it, and a variation is made, it is intail. Mr. Justice Swayne delivered the opinion of the Court. Mr. Justice Braaley dissented, thinking the decision had a tendency to cast every burden upon the government and to unduly relieve the sureties.

No. 29. Avery vs. Hackley et al.—Error to the Circuit Court for Michigan.—This was an action to recover the value of a large quantity of sawlogs alleged to have been fraudiently sold by a banting. This Court affirmed the judgment, remarking that the assignee halls to show by sufficient proof that the defendants intended to abandon this contract and rely wholly on the Oli of sale, which was set aside. Mr. Justice Davis delivered the opinion.

No. 399. Smythe (Collector) vs. Fish & Co.—Er-

this contract and rely wholly on the bill of sale, which was set aside. Mr. Justice Davis delivered the opinion.

No. 399. Smythe (Collector) vs. Fish & Co.—Error to the Circuit Court for the Southern District of New York.—This was an action to recover certain duties on an importation of silk neckties by the delendants in error exacted by the Collector. The decision is that such articles are subject to a duty of fitsy per cent ad valorem, and reverses the judgment below, which was for the importers, on the ground that silk neckties were within the acts of 1861 and 1882, and were excluded by the act of 1864. Mr. Justice Swayne delivered the opinion. No. 38. Leonard and Kip vs. Ship Teutonia—Appeal from the Circuit Court for the District of Louisians.—This was a case of collision on the Mississippi, between the steamer Brown and the Ship Teutonia, the latter at the time seeking an anchorage in a dense log. The decision below was in layor of the theilants, charging the Teutonia with negigence causing the accident. The decision here reverses the decree, with costs here, and divides the costs and damages below. Mr. Justice Chiford delivered the opinion.

No. 49. Gillecte vs. Ballard—Stror to the Circuit Court for Montana.—This was an affirmance of a judgment invo ving questions of practice in the opinion.

No. 33. Rogers et al. vs. schooner S. B. Wheeler—

opinion.

No. 53. Rogers et al. vs. schooner S. B. Wheeler—
Error to Circuit Court for Massachusetts.—This
was a case of collision involving only questions of
lact. Affirmed. The Chief Justice delivered the
opinion.

# NEW YORK CITY.

Some children playing with matches caused a fire yesterday afternoon in the tenement house No. 56 West Broadway. Damage sligut. The fire adjuded to in yesterday's HERALD as originating in the cellar of No. 6 Barciay street,

Little Rachel Strachel, four years old, residing

at No. 215 East 112th street, was amusing herself yesterday afternoon near a bondre, when the names caught her clothing. She was severely burned about her body. Henry Weilington, forty-one years old, of No. 323

East Thirty-third street, while working on the building No. 4 Pine street, left from the height of two stories and severely hurt als back. He was sent to the Park Hospital.

The twenty-third anniversary of the New York

Nautical School was celebrated last evening at No. 92 Madison street, when addresses were made by the principal, Dr. W. P. Thoms, and several other well known citizens. A window curtain in the residence of G. W. Dart, No. 201 West Ponrisanta street, caught fire

rom a gas light. The dames being extinguished caused \$100.

thirty-four years, and reterday, and, while it was a severe scalp wound, to police of the Twenty-

siding at No.

dr. David Harri

The commissioner

resides

uged forty-five years, restreet, while passing the strick streets at half-past norming, was assailed by lo stabbed him in both ie head.

the erection of the new Court House in the Thi Judicial district (Jefferday at No. 233 Broadway tot for the from work on and bell tower to Kellogg Pa., for \$579,000. that, a joutn of fifteen years, who

ulsed resteries moraing while in the basement No. 19 Nothern place. He was amusing himself the clerator when through some carelessness, a head was though between the moving pixtforms of a side of the clevatorway. A requiem mass was celebrated yesterday at St.
Lavier's church over the remains of colonel William When. Father White was the celebrant, and
the come was beautifully decked with rich dorsi
ferings. It terresult took place in Calvary Cometending many curaies of the departed sordier were
attending mean the obsequies of the late commander of the Sixth New York Volunteers.

at No. 4 Estradge street, was severely

manight to a lege and fashionable audience, his mappearance which the second of the winter course of lectures and eadings. The ghost and chamber scenes from a miet? were received by the audience with too applease. Several dramatic poems for and the second part of the reading, while the "Visit of the anif to London" concluded the se-

A very targe Baptist Ministers' Conference convened vesterday at Mariners' Temple, Oliver stree 1 19 not thunder, though the condicting cleme is open and close communion were there in force 1. Reid read an able essay on Revivala, and about wenty took part in the discussion. Drs. Briam man, of Albany, Patterson, the Evangelist, and Professor Sheppard, of Chicago, were invited to speak, as was also Father Stimson, of Kansas.

Henry G. Stebbins, President of the Department from Cyrus Butler, J. Q. A. Ward, E. C. Stedman, A. Bierstaat, Abram S. Hewitt, and others, gladly granting the request to "allow the bronze status of William Culien Bryant, by Launt Tnompson, now in possession of the department, to be lent to the Metropolitian Musuem of Art, to be exhibited by them until the department under its rules can give it the position in Central Park deserving of its merits as a work of art, and in harmony with the claims of so eminent and distinguished a citizen."

### BROOKLYN.

The receipts of the Registrar of Arrears last veek amounted to \$20,307.

The receipts of the East River Bridge Company

for the past month amounted to \$100,906 27. The expenditures were \$93,630 53. The rate of taxation in Brooklyn this year is, ac-cording to the report of the Clerk of the Board of Supervisors. \$3 55, against \$3 46 for the year 1872. Joseph Roughon was committed to jail yester-day for stabbing Morris Cole, of No. 21 Amity street, under the left eye with a penknife. The wound is not dangerous.

Captain George H. Tyson, the Arctic explorer, will lecture before the Lay College, Schermernorn street, on next Wednesday evening, the title of his discourse being "Six Months on an Ice Pice." Coroner Jones yesterday held an inquest on the body of Districh Mark whose skull was fractured

by falling in the hold of the bark Martha C. Berry, on Saturday last. The verdict was death from in-juries accidentally received. Justice Delmar yesterday committed Louis Caretta, an Italian, to jail to await the result of the injuries indicted by him with a dirk knife on Pa-tella, the sattor who was stabbed during an alter-cation which occurred at the saloon No. 31 Sackets street on last Sunday night. Justice Tappen, on motion of Judge Cardozo

granted a motion for change of vender in the action brought by Richard Saltenstall, of Myrtle avenue, against Justice Bixby, of New York. The suit is brought to recover \$20,000 damages for having been committed in 1871 for ten days.

The suit instituted to recover \$50,000 damages by Mr. Thomas Fields, Superintendent of Public Schools, against ex-Postmaster Thomas Kinsella, as, by mutual consent of counset, been put of the calendar of the City Court for the November term and goes over until the second Tuesday of December.

ranted a motion for change of venue in the action

The examination in the case of the white sailors of the ship Neptune, of the Black Ball line saliors of the ship Neptune, of the Black Ball line of Liverpool and New York packet ships, was continued yesterday before United States Commissioner Winslow. The prisoners are charged with having murderously assaulted Boatswaln Smith while on the high seas and dangerously wounding him with an axe. John Stevens and John Lynca, two of the seamen, were discharged. The investigation will be resumed to-day.

# WESTCHESTER

The proposition to organize a rife club at Mount vernon is being favorably responded to, several

Right Rev. Bishop McInerny, of Albany, administered the ceremony of confirmation to about 256 candidates of all ages at the Catholic church in Mount Vernon a day or two ago. Pursuant to a published notice the new fire bell

at Port Chester was rung for trial last Saturday afternoon, occasioning unusual excitement among the "b'hoys" of that ancient village. The Board of County Supervisors which convenes at White Plains to-morrow is composed of

tweive democrats, nine republicans and one liberal. Its organization has been effected by the the election of George W. Davids, Chairman, and C. C. Childs, Clerk. The artesian well at Larenmont in the town of Mamaroneck has at length yielded a steady flow of excellent water after being bored to a depth of about \$300 feet. The newly found stream will be utilized to fill a reservoir from which pipes will be laid to supply several families residing in the vicinity.

# STATEN ISLAND.

The United States revenue steamer Grant has returned from a cruise down the southern coast as far as the Delaware Breakwater, in search of stranded or disabled vessels, and was at anchor yesterday off Staten Island, together with tes square-rigged vessels, ten Sandy Hook pilot boats and nine fishing smacks.

Great numbers of gunners from New York and Brooklyn are daily hunting in the woods of Staten Island. They shoot at anything, from a chipmonk to a raccoon, and quall, rabbits, or anything else in season, stand a oad chance for escape before the norde of sportsmen. It is estimated that there is about one quall for every three hunters. The Superintendent of the Shore Ranroad Com-

pany has complied with the request of the village authorities of Edgewater, and now has laborers engaged in shifting and raising the track of the road on Bay street, through Stapleton, so as to make it correspond with the macadamized work now being done under direction of the village authorities.

# NEW JERSEY.

A squad of negro chicken thieves have just been convicted in Salem county and sent to the State It is rumored that the Bonaparte Park, at Bor-

dentown, is soon to be converted into a race The Governor has issued a proclamation fixing the 26th of the present month as a day of thanks-

The municipal government of Union Hill are endeavoring to negotiate a loan of \$50,000. The A joung man, giving the name of Walter B. Law.

was arrested in Hoboken, yesterday, on a charge of was arrested in Modoken, yesterday, on a charge of obtaining money under pretence of being con-nected with a prominent New York firm. He will be disposed of by Recorder Bonnstedt to-day. The following named State Senators were yes-

The following named State Senators were year terday appointed by the Governor as the Board of State Canvassers, which meets in Trenton on the 24th inst., to examine the late election recurns;— John B. MoPherson, Hudson county; Samuei T. Smith, Sussex county; William J. Sewell, Candea county; William H. Hendrickson, Monmouth county, and Barton F. Thorn, Burlington county. The Baptist Church of the State owns 163 church edifices and numbers 28,175 communicants. Dur-

edifices and numbers 28,175 communicants. During the past year one in every thirty-six of the population has been baptized. Thirty missionaties are employed whe preach at forty-six stations. The treasurer has just made his financial exhibit for the past year, which sets lorth the receipts from all sources, incinding a balance on hand at last report, to have been \$6,036, and the expenditures \$6,232 leaving the treasury overdrawar by \$201. The West Jersey Association reports so churches, 40 pastors, 712 baptisms and a membership of \$0.047.